

REMARKS

Claims 1-24 are pending in the above-identified application, of which claims 7, 13 and 23 are withdrawn from consideration. Claims 1-6, 12, 14-22 and 24 were rejected. With this Amendment, claims 1 and 3 were amended and claim 25 was added. Accordingly, claims 1-6, 12, 14-22 and 24 are at issue in the above-identified application.

35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-5 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Komaru et al.* (JP 10-308236 A). Claims 6, 9-12, 14, 15-22 and 24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Mayer* (U.S. Patent No. 5,783,333) in view of *Komaru et al.* Applicants respectfully traverse these rejections. Applicants have amended claims 1, 9, and 17 from which claims 2-6, 8, 10-12, 14-16, 18-22, 24, and 25 depend, to recite a nonaqueous electrolyte secondary battery comprising a nonaqueous electrolyte that includes a *vinylene carbonate and an antioxidant*. This amendment is supported at Table 1, on Pages 44-46 of the specification. None of the above-cited references, either alone or in combination, teach or even suggest a battery comprising a nonaqueous electrolyte including a *vinylene carbonate and an antioxidant*. For example, the *Komaru et al.* reference discloses a nonaqueous electrolyte having a methoxybenzene system compound. However, *Komaru et al.* never teaches or describes a nonaqueous electrolyte having both a vinylene carbonate and an antioxidant. Accordingly, Applicants submit that the claimed invention is not anticipated by nor obvious over the applied references, either alone or in combination. Withdrawal of this rejection is respectfully requested.

In view of the foregoing, Applicant submits that the application is in condition for allowance. Notice to that effect is requested.

•Response to November 7, 2003 Office Action

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Respectfully submitted,

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